

Press Release
12 October 2012

Save Indian Children From Confiscatory Proceedings Abroad

Jurists, academics and rights groups led by retired High Court Chief Justices AP Shah and Mukul Mudgal and Brinda Karat have **filed a petition today** with the National Human Rights Commission (NHRC) regarding Indian children being confiscated in care proceedings abroad.

The latest Indian child to be taken away is **1-year-old Indrashish in New Jersey** who risks being put up for adoption against the pleas of his family unless the Indian Government intervenes.

Taking note that **even Indian citizens on temporary stay abroad are subject to confiscatory child care laws**, the petition asks the NHRC to recommend that the Government of India establishes a **formal and transparent mechanism for the return of Indian children caught in confiscatory child care proceedings abroad to their relatives in India, instead of being left in foreign state institutions or foster care, or being given away in forced adoption abroad.**

The petition states that under the **International Covenant on Civil and Political Rights** and **the International Covenant on Economic, Social and Cultural Rights**, Indian children abroad have a right of return to India, a right to family life with their extended family and a right be brought up in their culture of birth.

The issue has aroused interest in other countries and the press briefing following the filing of the petition was attended by representatives from the embassies of **Pakistan, Afghanistan, Sri Lanka, Myanmar, Bhutan** and **Russia**.

Addressing the press conference, the retired judges cited systemic **human rights violations in confiscatory child care proceedings in first world countries**. Justice (rtd) Shah said a review of the Norwegian proceedings in the **Bhattacharya case**, which is included in the NHRC petition, showed that the **allegations against the mother were patently baseless**.

Noting the international attendance at the conference Mrs Karat said that India and like minded nations should join in calling for the return of children caught in confiscatory proceedings to their extended families in their home countries.

Justice Mukul Mudgal stressed the need for the Government to institute a **systemic mechanism** for repatriation of Indian children **instead of leaving families to rely on ad hoc intervention**.

Suranya Aiyar, lawyer, said that after children, the worst victims of these intrusive and draconian laws were mothers who are unfairly blamed in almost every confiscation.

The Petition has been signed by: Justice (retd.) Mukul Mudgal, Former Chief Justice, Punjab & Haryana High Court, **Justice (retd.) AP Shah**, Former Chief Justice, Delhi High Court, **Brinda Karat**, Former Member of Parliament (Rajya Sabha), **Suranya Aiyar**, Lawyer, **Sudha Sundararaman**, General Secretary, All India Democratic Women's Association, **Jyotsna Chatterji**, Director, Joint Women's Programme, **Padmabhushan Devaki Jain**, Feminist Economist & Author, **Renuka Mishra**, Educationist, Feminist Activist & Founder, Nirantar, **Jaya Srivastava**, Chairperson, Jagori, **Leila Passah**, National General Secretary, YWCA of India, **Dr. Ranjana Kumari**, Director, Centre for Social Research, **Kalyani Menon-Sen**, Women's Rights Activist, **Annie Raja**, General Secretary, National Federation of Indian Women, **Gauri Choudhary**, Director, Action India, **Sehba Farooqui**, Secretary, All India Democratic Women's Association, Delhi, **Indu Agnihotri**, Director, Centre for Women's Development Studies, **Rita Panicker**, Director, Butterflies, Child Rights Organisation, **Dr Vasanthi Raman**, Convenor, FORCES-CWDS Network, **Dr. Shalini Grover**, Senior Research Fellow in Sociology, Institute of Economic Growth, University of Delhi, **Nandita Rao**, Lawyer, **Shilpa Phadke**, Sociologist, Tata Institute of Social Sciences, **Trideep Pais**, Lawyer

With Letter of Support from **Dr. Girija Vyas**, Member of Parliament (Lok Sabha) and former Chairperson, National Commission for Women

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